

**DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – TUCSON**

U.S. District Judge: Raner C. Collins

Date: April 16, 2018

USA v. Lonnie Ray Swartz

Case Number: CR-15-01723-001-TUC-RCC (DTF)

Assistant U.S. Attorney: Wallace Kleindienst/Mary Sue Feldmeier

Attorney for Defendant: Sean Chapman/Jaime Calle, Retained

Deputy Clerk: Sherry Gammon

Court Reporter: Candy Potter

Spanish Interpreter for victim's family: Sandy Frady

Spanish Interpreter for Spanish speaking witness: Juan Radillo and Clark Feaster

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

JURY TRIAL – Day 16

9:16 a.m. - In absence of the jury and the public, counsel and the Court discuss jury instructions and alternate jurors.

The Court recesses at 9:37 a.m.

The jury enters at 10:03 a.m.

Defense exhibit 1553, stipulation re: August 19, 2014 meeting, is admitted without objection and read into the record by Mr. Calle.

The defense rests at 10:09 a.m.

10:10 a.m. – Government's witness Sarah Arrasmith is recalled to the witness stand for examination by Mr. Kleindienst.

Government's exhibits 390, 391, 392 and 393 are admitted without objection.

10:19 a.m. – No cross examination of the witness.

10:21 a.m. – Government's witness Chad steel is sworn and examined by Ms. Feldmeier.

10:34 a.m. – Cross examination of the witness by Mr. Calle.

10:35 a.m. – Redirect of the witness.

10:39 a.m. – Government's witness Taide Elena is sworn and examined by Ms. Feldmeier.

10:44 a.m. – No cross examination of the witness.

The Government rests their rebuttal case.

No surrebuttal.

Recess taken 10:45 a.m. – 11:20 a.m.

The jury enters.

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11:21 a.m. – Government’s closing argument presented by Mr. Kleindienst.

The jury is excused at 12:23 p.m.

In absence of the jury, counsel and the Court further discuss jury instructions. Mr. Chapman orally motions for a mistrial based on the Government’s statements during closing argument. Motion denied.

Lunch Recess taken 12:30 p.m. – 1:15 p.m.

The jury enters.

Defense closing argument presented by Mr. Chapman.

Recess taken 2:47 p.m. – 3:03 p.m.

The jury enters.

Government’s rebuttal closing presented by Mr. Kleindienst.

3:45 p.m. The jury is instructed.

Jurors #41 and #26 are selected as alternate jurors and are excused prior to deliberation.

The jury is excused at 4:13 p.m. to begin deliberation.

In absence of the jury, Defense exhibits 1553 and 1462C are admitted without objection and Government’s exhibits 59, 95 and 342 are admitted without objection. All exhibits are provided in a digital format for the jury’s use during deliberation.

Proceedings recessed for the day at 4:13 p.m. The jury is excused at 4:25 p.m. Trial continues to **4/17/2018 at 9:30 a.m. before Chief Judge Raner C. Collins.**

Jury Trial: 4 Hours 55 Minutes

Start: 9:16 a.m.

Stop: 4:13 p.m.